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Attorneys for Defendants,
HIEP PHAN, HONG LE

UNITED STATES DISTRICK COURT

SOUTHERN DISTRICT OF CALIFORNIA

AUREFLAM CORPORATION, a California Corporation Plaintiff, v. HIEP PHAN, individually and dba PHO HOA HIEP; HONG LE, individually and dba PHO HOA HIEP; and DOES 1 through 10, inclusive; Defendants.	Case No: 08 CV 538 LAB NLS NOTICE OF MOTION AND MOTION TO SET ASIDE DEFAULT [(FRCP 55(c), 60(b)] Date: October 20, 2008 Time: 11:15 AM Courtroom: 9, 2nd floor

TO PLAINTIFF AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on October 20, 2008, at 11:15 A.M. or as soon thereafter as counsel may be heard by the above-entitled Court, located at 880 Front Street, San Diego, California, Defendants Hiep Phan and Hong Le will and hereby does the court pursuant to Rule 55(c) and 60(b) of the Federal

Rules of Civil Procedure to set aside the default entered by the clerk on May 7, 2008.

This motion is brought on the following grounds: Mistake and excusable neglect caused the delay in filing an answer to Plaintiff's Complaint; and Defendant has a good and meritorious defense to the claims for the relief alleged.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declarations of Hiep Phan and Hong Le, and upon such other matters as may be presented to the court at the time of the hearing.

Date: July 14, 2008

s/ Larry D. Kincaid

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